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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/007,397	10/22/2001	Jenoe Tihanyi	WMP-SME-515	9726

7590

03/27/2003

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EXAMINER

LEWIS, MONICA

ART UNIT

PAPER NUMBER

2822

DATE MAILED: 03/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/007,397

Applicant(s)

TIHANYI, JENOE

Examiner

Monica Lewis

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 13 January 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 15-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 15-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on 22 October 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 13 January 2003 is: a) ☐ approved b) ☒ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

### **DETAILED ACTION**

1. This action is in response to the amendment filed January 13, 2003.

#### ***Priority***

2. Acknowledgment is made of applicant's claim for priority under 35 U.S.C. 119(a)-(d) based upon an application filed in Germany on 10/20/00. A claim for priority under 35 U.S.C. 119(a)-(d) cannot be based on said application, since the United States application was filed more than twelve months thereafter.

#### ***Information Disclosure Statement***

3. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.
4. The information disclosure statement filed 2/27/02 fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in the English language. It has been placed in the application file, but the information referred to therein has not been considered.

***Drawings***

5. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: a) 31 (See Figure 6). The reference sign was not deleted from the newly presented Figure 6 as Applicant stated. A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

***Specification***

6. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 15-30 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by German Patent Application (100 52 170.3).

In regards to claim 15, German Patent Application discloses the following:

a) a semiconductor body having a substrate of a first conduction type and a first layer of a second conduction type located above said substrate (See Figures 1-8);

b) a channel zone of said first conduction type formed in said first layer (See Figures 1-8);

c) a first terminal zone of said second conduction type configured adjacent said channel zone (See Figures 1-8);

d) a second terminal zone of said first conduction type formed in said first layer (See Figures 1-8);

e) compensation zones of said first conduction type formed in said first layer (See Figures 1-8); and

f) a second layer of said second conduction type configured between said substrate and said compensation zones (See Figures 1-8).

In regards to claim 16, German Patent Application discloses the following:

a) a boundary zone of said first conduction type extending vertically in said first layer towards said semiconductor body (See Figures 1-8).

In regards to claim 17, German Patent Application discloses the following:

a) boundary zone extends from said channel zone to said substrate (See Figures 1-8).

In regards to claim 18, German Patent Application discloses the following:

a) boundary zone is laterally spaced away from said channel zone (See Figures 1-8).

In regards to claim 19, German Patent Application discloses the following:

a) semiconductor body has a first surface (See Figures 1-8); and

b) boundary zone extends from said first surface of said semiconductor body to said substrate (See Figures 1-8).

In regards to claim 20, German Patent Application discloses the following:

a) compensation zones have a pillar-shaped design (See Figures 1-8).

In regards to claim 21, German Patent Application discloses the following:

a) at least some of said compensation zones adjoin said channel zone (See Figures 1-8).

In regards to claim 22 German Patent Application discloses the following:

a) compensation zones have a spherical design (See Figures 1-8).

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In regards to claim 23, German Patent Application discloses the following:

- a) compensation zones define first compensation zones (See Figures 1-8);
- b) first layer has second compensation zones of said second conduction type formed therein;
- c) second compensation zones are adjacent said first compensation zones (See Figures 1-8); and
- d) second compensation zones are doped more heavily than said second layer (See Figures 1-8).

In regards to claim 24, German Patent Application discloses the following:

- a) boundary zone is doped more heavily than said substrate (See Figures 1-8).

In regards to claim 25, German Patent Application discloses the following:

- a) second terminal zone has a first section extending vertically to said second layer (See Figures 1-8); and
- b) second layer laterally extends at a level (See Figures 1-8);
- c) second terminal zone has a second section extending laterally at said level of said second layer (See Figures 1-8).

In regards to claim 26, German Patent Application discloses the following:

- a) first section and said second section of said second terminal zone form a well-like structure enclosing said first terminal zone and at least some of said compensation zones (See Figures 1-8).

In regards to claim 27, German Patent Application discloses the following:

- a) second terminal zone has a first section extending vertically to said second layer (See Figures 1-8); and
- b) second terminal zone has a second section extending laterally near said second layer (See Figures 1-8).

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In regards to claim 28, German Patent Application discloses the following:

a) first section and said second section of said second terminal zone form a well-like structure enclosing said first terminal zone and at least some of said compensation zones (See Figures 1-8).

In regards to claim 29, German Patent Application discloses the following:

a) first layer has a number of dopant atoms of said first conduction type and a number of dopant atoms of said second conduction type that are approximately identical (See Figures 1-8).

In regards to claim 30, German Patent Application discloses the following:

a) a semiconductor body having a substrate of a first conduction type and a first layer of a second conduction type located above said substrate (See Figures 1-8);

b) a second layer on said second conduction type formed between said first layer and said substrate, said second layer being doped more weakly than said first layer (See Figures 1-8); and

c) a boundary zone of said first conduction type, said boundary zone vertically extending to said substrate and to said second layer (See Figures 1-8).

### ***Response to Arguments***

9. Applicant's arguments filed January 13, 2003 have been fully considered but they are not persuasive. Applicant argues that "the examiner has cited applications own application from which priority has been claimed. The rejection is improper. Counsel's file indicates that a claim of priority was made and a certified copy of German Patent Application 100 52 170.3 had been filed on December 20, 2001." However, as stated above a claim for priority under 35 U.S.C. 119(a)-(d) cannot be based on said application, since the United States application was filed more than twelve months thereafter. The German Application was filed on 10/20/00 and the U.S. application was filed on 10/22/01. Additionally, the MPEP § 2133.02, states that "Any invention described in a printed publication more than one year prior to the date of a patent

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application is prior art under Section 102(b), even if the printed publication was authored by the patent applicant.” De Graffenried v. United States, 16 USPQ2d 1321, 1330 n.7 (Cl. Ct. 1990). “Once an inventor has decided to lift the veil of secrecy from his [or her] work, he [or she] must choose between the protection of a federal patent, or the dedication of his [or her] idea to the public at large.” Bonito Boats, Inc. v. Thunder Craft Boats, Inc., 489 U.S. 141, 148, 9 USPQ2d 1847, 1851 (1989).

Therefore, Applicant's arguments are not considered persuasive.

### ***Conclusion***

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.



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11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Monica Lewis whose telephone number is 703-305-3743.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amir Zarabian can be reached on 703-308-4905. The fax phone number for the organization where this application or proceeding is assigned is 703-308-7722 for regular and after final communications. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

ML

March 13, 2003

  
AMIR ZARABIAN  
SUPERVISORY PATENT EXAMINER  
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